

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

BLUE SAGE CONSULTING, INC.,
Plaintiff,

2005 DEC -1 P 3:18

v.

CIVIL ACTION U.S. DISTRICT COURT
NO.: 05-11483-NG DISTRICT OF MASS.

FAILSAFE AIR SAFETY SYSTEMS CORP.,
Defendant. /

JOINT STATEMENT OF THE PARTIES
UNDER LOCAL RULE 16.1

Pursuant to Local Rule 16.1, the parties submit this Joint Statement. Counsel for the parties conferred as provided in Local Rule 16.1(B) on December 1, 2005 (attached hereto as **Attachment A**) is a product of that conference.

The parties further agree that they do not consent to trial by Magistrate Judge.

The parties have agreed on and drafted a proposed pretrial schedule and discovery plan (attached hereto as **Attachment B**).

At this stage, both parties believe that the number and type of discovery events set forth in the Local Rule 26.1(C) are not adequate to allow full discovery of all relevant information, and, as such, propose that the number of depositions allowed each party under Local Rule 26.1(C) be extended to twenty (20) depositions.

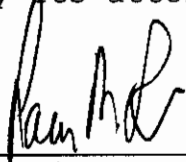
The parties' Local Rule 16.1(D)(3) Certifications are attached as **Attachments C and D**.

BLUE SAGE CONSULTING, INC., Plaintiff,
By its attorney,



Robert N. Wilson, Jr.
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Ayer MA 01432
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Failsafe Air Safety Systems Corp., Defendant,
By its attorney,



Laurie M. Ruskin
(BBO #: 630374)
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(617) 646-4466

Certificate of Service

I, Robert N. Wilson, Jr., Esquire, Attorney for the Plaintiff, hereby certify that on December 1, 2005, I caused to be served a copy of the foregoing, and attachments, via facsimile and in hand, upon the Attorney for the Defendant, Laurie M. Ruskin, Esquire.

I further certify that I am over the age of eighteen (18) and not a party to this action.



Robert N. Wilson, Jr.

ATTACHMENT A

AGENDA FOR SCHEDULING CONFERENCE

1. A schedule for the completion of discovery, including depositions;
2. A schedule for the filing of any anticipated discovery or dispositive motions;
3. Settlement negotiations, including Alternative Dispute Resolution.

ATTACHMENT B

Proposed Pre-Trial Schedule and Discovery Plan

Initial Disclosures Exchanged :	December 9, 2005
Motions to amend/Add Parties: parties: ¹	March 1, 2006
Factual discovery cut-off date:	September 1, 2006
Written Discovery served:	June 30, 2006
Dispositive Motions Filed:	November 1, 2005
Identification of Experts and exchange of Expert reports:	December 1, 2006
Final Pretrial Conference	At the earliest convenience of the Court after the filing of dispositive motions
Trial	At the earliest convenience of the Court after the final pre-trial conference

¹ By agreeing to this deadline, neither party waives its right to (a) seek leave of Court pursuant to Fed. R. Civ. P. 16(B) and 15(A) to amend the pleadings based on information obtained during discovery, or (b) to oppose any motion filed before or after this date on any basis whatsoever.

ATTACHMENT C

Local Rule 16.1(D)(3) Certification of the Plaintiff, Blue Sage Consulting, Inc.

I, Robert N. Wilson, Jr., Esquire, attorney for the Plaintiff, Blue Sage Consulting, Inc., hereby certify that I have conferred with my client relative to the various aspects of this litigation, including, but not limited to: litigation planning and scheduling, discovery costs and expert fees, and the overall costs of litigation, including full course-and alternative courses of litigation-pursuant to Local Rule 16.1(d)(3)(a) and to consider alternative dispute resolution.



Robert N. Wilson, Jr.
Attorney for the Plaintiff

Pamela Campagna
Principal,
Blue Sage Consulting, Inc.

Dated: December 1, 2005

ATTACHMENT D

Local Rule 16.1(D)(3) Certification of the Defendant,
Failsafe Air Safety Systems Corporation.